

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID J. PARINS and RICHARD K. POPPE

Junior Party,¹

v.

MICHAEL D. HOOVEN

Senior Party.²

Patent Interference No. 104,181

Before METZ, PATE and MARTIN, **Administrative Patent Judges.**

PATE, **Administrative Patent Judge.**

¹ Application 08/646,047, filed May 7, 1996. Accorded the benefit of Application 08/435,305, filed May 5, 1995, now U.S. Patent No. 5,540,685, issued July 30, 1996; and Application 08/369,379, filed January 5, 1995, abandoned.

² Application 08/399,421, filed March 7, 1995. Assignors to Enable Medical Corporation.

Interference No. 104,181

Background

On August 5, 1999, the Administrative Patent Judge (APJ) entered an Order to Show Cause under 37 CFR § 1.640(d)(3) against the junior party for failure to allege a date in its preliminary statement that would overcome the senior party's effective filing date. The junior party did not respond to the Order. Accordingly, the following judgment is entered.

JUDGMENT UNDER 37 CFR § 1.640

Judgment in Interference No. 104,181 is entered against David J. Parins and Richard K. Poppe, the junior party. David J. Parins and Richard K. Poppe are not entitled to a patent containing claims 13 through 17, which claims correspond to the count in interference. Judgment is entered in favor of Michael D. Hooven, the senior party. Michael D. Hooven is entitled to a patent containing claims 4, 8, 9, 16, 17, and 21 through 23, which claims correspond to the count in interference.

Interference No. 104,181

	ANDREW H. METZ)	
	Administrative Patent Judge)	
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)	
)	BOARD OF
PATENT			
	WILLIAM F. PATE, III)	APPEALS AND
	Administrative Patent Judge)	
INTERFERENCES			
)	
)	
)	
	JOHN C. MARTIN)	
	Administrative Patent Judge)	
WFP:psb			

Interference No. 104,181

Counsel for Junior Party Parins:

Thomas J. Nikolai
820 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3325

Counsel for Senior Party Hooven:

Bruce M. Collins
Mathews, Collins, Shepherd & Gould, PA
100 Thanet Circle
Suite 306
Princeton, NJ 08540-3674